

**REMARKS**

In the Office Action, the Examiner indicated that claims 1 through 28 are pending in the application and the Examiner rejected all claims.

**Claim Rejections, 35 U.S.C. §102**

In item 4 on page 2 of the Office Action, the Examiner rejected claims 1-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,867,713 to Shrader et al. (“Shrader”).

**The Present Invention**

The present invention provides an improved technique for installation of to-be-installed (“TBI”) software packages and any software prerequisites needed to install and/or run the TBI software. In accordance with the present invention, an installation wizard is provided having panels that prompt a user to identify a location where a software prerequisite can be found prior to installing the TBI software. The wizard can optionally allow for the finding and inclusion of file locations via a standard file browse dialog or via a URL. The prerequisite information is then fully integrated into the install process as part of a “super image” that is transferred to one or more target devices. Each target device then executes the super image to install the TBI software

and the prerequisites. From the perspective of the installer, the installation proceeds seamlessly and without interruption.

**U.S. Patent No. 5,867,713 to Shrader et al.**

U.S. Patent No. 5,867,713 to Shrader et al. ("Shrader") teaches a mechanism for installing applications in a network. Of relevance to the present invention is the mechanism by which prerequisite files are validated, and added when missing. If a scan of file directories indicates the presence of a prerequisite, the system assumes the prerequisite is there, even though it might not be (e.g., there could be a directory which might indicate the presence of a prerequisite, but the files that should be in the directory might be missing). Further, when prerequisites are found to be missing from the target machine, they are served to the target machine based on install operations executed by the network installation engine, not by the target machine.

**The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

**The Examiner Has Not Established a *prima facie* Case of Anticipation**

As noted above, the present claimed invention includes a mechanism (system, method, and computer program product) which enables the identification of software prerequisites needed in connection with the installation of a to-be-installed (TBI) software application, the identification and obtaining of location information for the required software prerequisites, and then the creation of a super image comprising the TBI software application wrapped with the location information for all the software prerequisites. This super image is then transferred to the target computer, where it can be executed by the target computer. In other words, prior to attempting the installation of the TBI software application, all of the information needed to obtain and install software prerequisites is identified, and then a combined package (the “super image”) is distributed to each machine on which the TBI software package is to be installed. The local machine(s) then performs the necessary operations to actually obtain the prerequisites, install them, and also install the TBI software application. The location of the prerequisites may be on the same medium on which the TBI software package resides, or it may be accessible via a connection to a website. Using this claimed system, a user of the remote machine attempting the installation, or a network administrator doing same, will see a seamless, uninterrupted installation of the prerequisites and the TBI software package.

By contrast, Shrader neither teaches nor suggests the obtaining of location information for the software prerequisites and the inclusion of this location information as part of a super image that is delivered to the local machines for installation. All of the operations are “pushed” from the network installation engine, and the execution of the delivery of the

software prerequisites is performed by the network installation machine, not by the local machines as is done with the present invention.

Each of the independent claims have been amended to specifically recite the obtaining of the location information for the required software prerequisites and the inclusion of the location information for the software prerequisites as part of the super image.

By having the capability to identify and include location information for the prerequisites prior to delivery of the super image to the local machine(s), the seamless installation process described above is possible. Such a seamless installation process is not possible using the Shrader system, as the network installation machine will constantly be actively pushing the prerequisites to each of the target machines. Accordingly, each of the independent claims, and all claims depending therefrom, patentably define over Shrader and are in condition for allowance.

### **Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

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The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted

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